

Spill Prevention, Preparedness, and Response Program

Contact: **Dale Jensen**, Program Manager, (360) 407-7450

Program Mission

The mission of the Spills Program is to protect Washington's environment, public health, and safety through a comprehensive spill prevention, preparedness, and response program. The Spills Program focuses on preventing oil spills to Washington waters and land and ensuring effective response to oil and hazardous substance spills whenever they occur.

Environmental Threats

Over 20 billion gallons of oil and hazardous chemicals are transported through Washington State each year, by ship, barge, pipeline, rail, and road. Accidents, equipment failure, and human error can all lead to unintended and potentially disastrous consequences. Oil and chemical spills into Washington's waters can threaten some of the most productive and valuable ecosystems in the world, while spills on land threaten public health, safety, and the environment. The effects can be acute and chronic and can damage the state's economy and quality of life.

Authorizing Laws

The harm caused by major oil spills in the late 1980s and early 1990s aroused public concern and resulted in state and federal legislation to protect the environment and human health from such spills. Specific Washington laws include:

- *Chapter 90.56 RCW, Oil and Hazardous Substance Spill Prevention and Response*
- *Chapter 88.46 RCW, Vessel Oil Spill Prevention and Response*
- *Chapter 90.48 RCW, Water Pollution Control*
- *Chapter 88.40, Transport of Petroleum Products - Financial Responsibility*
- *Chapter 70.105 RCW, Hazardous Waste Management Act*
- *Chapter 70.105D RCW, Model Toxics Control Act*

Constituents/Interested Parties

The agency works closely with people interested in environmental protection, emergency response organizations, the oil industry, the shipping and transportation industry, and other users of Washington's waters. These include:

- *Federal, state, local, and tribal governments, including the U.S. Coast Guard, U.S.*

Environmental Protection Agency, and local emergency management agencies

- *The Governments of Canada, British Columbia, Oregon, and Idaho*
- *Commercial vessel owners and operators worldwide, marine transportation trade associations, public ports, and maritime trade unions*
- *Oil refineries, marine oil terminals, oil pipelines, and oil trucking companies*
- *Spill response cooperatives and contractors*
- *Environmental organizations and the general public*

Major Activities and Results:

Prevent Oil Spills from Vessels and Oil Handling Facilities

Oil and chemical spills from vessels, oil handling facilities, and tank trucks pose a significant environmental threat in Washington State. To minimize this threat, the agency works with the regulated community to carry out four core activities.

Vessel Screening and Inspection, and Oil Transfer Oversight: The agency reviews safety related information (screening) on approximately 2,600 cargo and passenger vessels, and conducts approximately 1,200 onboard inspections per year to provide technical assistance and verify compliance with international, federal, and state requirements. The agency inspects bunkering (vessel refueling) operations and provides technical assistance to help reduce the frequency of spills during fuel transfers.

Oil Handling Facilities: There are 35 oil handling facilities and major transmission pipelines in Washington under state regulation. Agency staff review and approve the facilities' oil spill prevention plans, operation manuals, and certifies personnel training programs to ensure that tanks and pipelines are designed and operated in a manner that will minimize the risk of oil spills.

Neah Bay Rescue Tug: Over the past six winters, a tug stationed at Neah Bay has provided an important additional margin of safety for vessel propulsion and steering failures in the western Strait of Juan de Fuca

and off Washington's rugged outer coast. The rescue tug is capable of controlling a drifting, fully loaded oil tanker or cargo ship in bad weather to prevent vessel casualties, major oil spills, and loss of life.

Incident Investigation: Agency staff investigates oil and hazardous material near-miss incidents and actual accidents to determine what can be done to prevent future problems. Investigations help target inspections and risk management initiatives, and allow the agency to disseminate educational materials with the goal of preventing reoccurrence of similar spills. (Authorizing laws - 90.56 and 88.46 RCW)

Result

Oil and chemical spills from vessels and oil handling facilities are minimized and avoided through risk management, the Neah Bay Rescue Tugboat, and targeted inspections. Spill prevention activities and results include:

- Conduct 1,200 inspections focused on high-risk commercial vessels.
- Enroll 60% of all tank vessels in the voluntary Best Achievable Protection program to prevent oil spills.
- Reduce the number of spills where 25 or more gallons of oil enter surface waters.
- Reduce the total volume of oil entering surface waters.
- Reduce the percent of vessels having "incidents" that can lead to spills (for instance, power loss).
- Assist vessels as needed with the Neah Bay Rescue Tug.
- Increase prevention emphasis on oil transfer inspections, and reach out to "non-regulated" entities.
- Complete an evaluation of the oil tanker escort system.
- Eliminate intentional waste oil discharges from vessels.

Prepare for Aggressive Response to Oil and Hazardous Material Incidents

Operators of large commercial vessels and oil handling facilities are required to maintain state approved oil spill contingency plans. These plans help to assure that when major oil spills occur, the responsible party is able to rapidly mount an effective response.

Once agency staff have reviewed and approved an oil spill contingency plan, the contingency plan holders and spill response contractors maintain their readiness through required spill drills. The agency also partners with the U.S. Coast Guard and the Environmental Protection Agency to maintain a single, overarching policy document (the Northwest Area Contingency Plan) that guides how spills are managed in the Northwest.

Staff works with other agencies and private sector spill response experts to develop geographic based response plans. The geographic response plans identify and rank response strategies that best protect natural resources, drinking water supply intakes, marinas, sensitive archeological sites, and commercial shellfish beds. These pre-defined plans work in concert with private sector contingency plans to enable spill cleanup contractors to immediately begin aggressive response actions with minimal initial consultation. (Authorizing laws - 90.56, 88.46, and 88.40 RCW)



Tank barge, Millicoma, grounded at Cape Disappointment

Result

The agency and regulated community are fully prepared to promptly respond to and mitigate the impacts of oil spills. Spill preparedness activities and results include:

- Enhance the capability of regional spill response teams.
- Approve oil spill contingency plans.
- Complete 95% of internal DRILLTRAC training (spill responder training and certification program).
- Complete 100% of required oil spill drills to assure all plan holders are able to mount effective actions in response to all oil spills to surface or ground water.

- Update the Northwest Area Plan (single plan among several agencies that pre-defines how spills are managed).
- Develop new inland Geographic Response Plans.

Rapidly Respond to and Clean Up Oil and Hazardous Material Spills

The agency is responsible for responding to and overseeing the cleanup of oil spills, hazardous material incidents, and methamphetamine drug labs. These activities include:

24-Hour Statewide Response Capability: The agency provides round-the-clock response (from five field offices) to oil spills and hazardous material incidents that pose a risk to public health, safety, and the environment. This work is a critical service to local communities and the public. The agency ensures that damage from these spills is contained within the smallest area possible and cleaned up as quickly as possible, with minimum damage to public health, safety, natural resources, and private property.



Beach cleanup from an oil spill

Methamphetamine Drug Lab Cleanup: Agency spill responders work with local, state, and federal law-enforcement personnel to dispose of drug lab chemicals from the sites of illicit methamphetamine drug manufacturing labs and lab dumps.

Compliance and Enforcement: The agency may take enforcement and compliance actions for violations related to oil and hazardous material spills. These actions include imposing fines or requiring changes in operating practices to prevent future spills.

(Authorizing laws - 90.56, 90.48, 70.105, and 70.105D RCW)

Result

Oil spills, chemical spills, and methamphetamine labs are rapidly responded to and cleaned up in a timely manner to protect public health, safety, natural resources, and property. Spill response activities and results include:

- Maintain 24-hour, seven-days-per-week spill response capacity throughout the state.
- Increase the response time to spills within 24 hours to 95%.
- Manage agency response to 4,000 annual incident reports.
- Complete up to 1,500 drug lab removals per year.
- Increase the percent of drug lab chemicals that are batched by local government for the agency to properly handle and dispose.
- Respond to all oil spills from regulated vessels and facilities.
- Support environmental crime investigations.

Restore Public Natural Resources Damaged by Oil Spills

When an oil spill causes significant damage to publicly owned natural resources, the agency coordinates with other organizations to complete an assessment of the monetary value of the damages. Once the assessment is complete, the agency seeks fair compensation from the responsible party(s). After the compensation is collected, the agency works with other organizations to assure the money is used for projects to restore the damaged natural resources. (Authorizing laws - 90.56 and 90.48 RCW)

Result

The environmental impacts from oil spills to publicly owned natural resources are partially compensated using damage assessment funding. Natural resource damage assessment related activities and results include:

- Issue a Natural Resource Damage Assessment on 100% of oil spills where 25 or more gallons reach surface waters and a responsible party is identified.
- Restore or protect priority wildlife habitat using natural resource damage funds.

Major Issues

Strengthening the State/Coast Guard Partnership

On May 25, 2001, former Governor Gary Locke and 13th U.S. Coast Guard District Commander

Admiral Brown signed a memorandum of agreement on oil spills. This agreement further strengthens federal and state collaborative efforts to prevent and respond to oil spills in Washington's waters. The agency and the U.S. Coast Guard continue their efforts to implement a cooperative vessel inspection program, share information, and monitor oil transfer operations. Other joint initiatives include implementing recommendations from the North Puget Sound Oil Spill Risk Management Panel, managing the risk of oil spills in Haro Strait and on the Columbia River, and working with the Pacific States/British Columbia Oil Spill Task Force to implement a coastal vessel risk management system from California to Alaska.

Improving Tug Escorts for Loaded Tankers

The 2003 Legislature passed Substitute Senate Bill 6072 which, among other things, directed the agency to complete:

"An evaluation of tug escort requirements for laden tankers to determine if the current escort system requirements under 88.16.190 RCW should be modified to recognize safety enhancements of the new double hull tankers deployed with redundant systems."



The tug, Lauren Foss, located at the western end of the Strait of San Juan de Fuca

A detailed technical report was completed in December 2004. The agency anticipates completing additional work on the "human factors" issue during 2006.

Enhancing Oil Spill Contingency Plans

The agency's rules for facility and vessel oil spill contingency plans were adopted in 1994. Recent drills have identified gaps in the ability of industry contingency plan holders to respond to a probable "worst case" oil spill. The agency is updating its rule to improve spill response standards, improve

the drill program, and make other necessary changes. Rule adoption is scheduled for June 30, 2006.

Making the Neah Bay Rescue Tug Permanent

During the six years of seasonal deployment, the rescue tug has proven its value by providing assistance to vessels in distress. The 2003 Legislature established a new funding mechanism for the Rescue Tug, using an existing transportation fee. This fee provides funding for seasonal tug deployment through the spring of 2008. Ecology's long-term goal is to have a year-around, government-funded rescue tug permanently stationed at Neah Bay.

Meeting Drug Lab Cleanup Workload

Since 1994, the agency has been involved in the cleanup of methamphetamine drug labs. This activity has reduced the agency's ability to respond to oil spills and hazardous material incidents. Fortunately, this work load appears to have reached a plateau.

Oil Transfer Rule

The 2004 Legislature passed Substitute Senate Bill 6641, and adopted a "zero spills strategy to prevent oil from entering the waters of the state." The legislation directed the agency to complete rules by June 30, 2006, addressing oil transfer operations that occur over state waters. These rules are under development and will establish pre-booming and alternative measures to prevent and contain these spills. The legislation did not provide funding to implement the rule.

Future Program Development

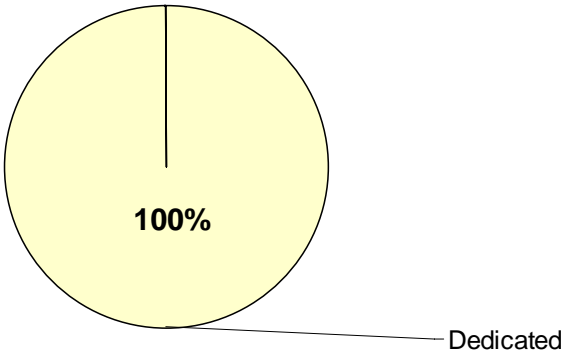
Many new initiatives are either under development or are being implemented. The agency has a well-trained and equipped 50-person Incident Management Assist Team that can be deployed to manage major oil spills and hazardous material incidents. The agency will continue to actively engage interested parties, including the Legislature, the new Oil Spill Advisory Council, regulated industries, local government, tribes, environmental groups, and communities to make sure the program is right-sized and continues to be responsive to the public interest.

Spill, Prevention, Preparedness, and Response Program Budget

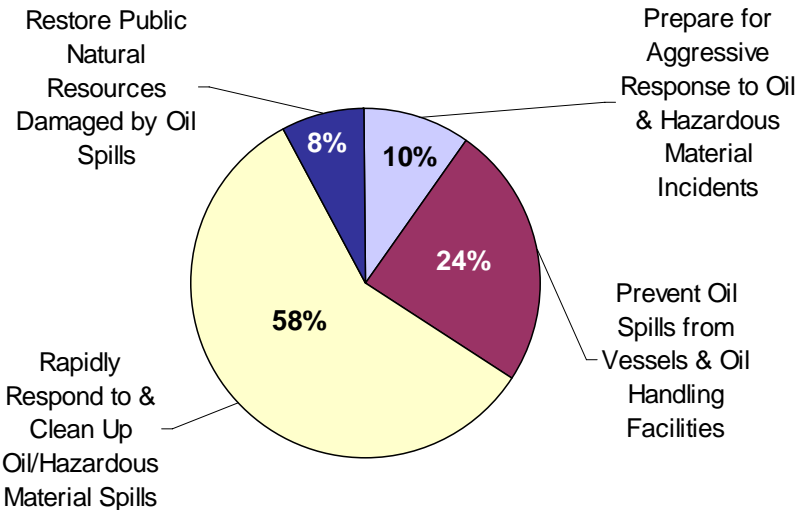
Budget = \$27.6 million; FTEs = 69.9

Dedicated Funds	(\$) Amount	Sources	Uses
General Fund – Private/Local	377,636	Multiple	Methamphetamine drug lab cleanup grants, British Columbia/Pacific States oil spill task force
Vessel Response Account	2,876,000	Existing vehicle title transfer fees	Emergency vessel towing including the Neah Bay rescue tug
State Toxics Control Account	6,817,396	Hazardous substance tax; monies recovered from remedial actions and penalties	Routine hazardous material spill preparedness and response work including drug lab cleanup
Oil Spill Prevention Account (OSPA)	8,705,678	Barrel Tax – 4 cent per barrel tax on first possession of petroleum imported into and consumed in State is deposited to OSPA	Routine oil spill prevention, preparedness, and response work
Oil Spill Response Account (OSRA)	7,057,552	Barrel Tax – 1 cent per barrel tax on first possession of petroleum imported into and consumed in State is deposited to OSRA	Oil spill cleanup where state response costs are expected to exceed \$50,000.
Coastal Protection Fund	1,775,000	Natural Resource Damage Assessments (NRDA); spill penalties; and a small contribution from the marine gas tax	Restoration of natural resources damaged by oil spills, certain non-personnel related oil projects

Spill Prevention, Preparedness, and Response
Program Dollars by Fund Source



Spill Prevention, Preparedness, and
Response Program Dollars by Activity



Activity	Dollars	FTEs
----------	---------	------